

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Albert L. Gray, Administrator, et al,
Plaintiffs

vs.

C.A. No. 04-312-L

Jeffrey Derderian, et al.,
Defendants

Estate of Jude B. Henault, et al,
Plaintiffs,

vs.

C.A. No. 03-483-L

American Foam Corporation, et al,
Defendants.

**POLYURETHANE FOAM DEFENDANTS' MOTION TO APPROVE SETTLEMENT
PURSUANT TO R.I. GEN. LAW §§10-6-7, 10-6-8**

COME NOW the Polyurethane Foam Defendants¹ and move this Court for an order approving the Polyurethane Foam Defendants' gross settlement with Plaintiffs in the amount of \$30,000,000 (thirty-million dollars) as a "good-faith settlement" in accordance with R.L.G.L. §§ 10-6-7, 10-6-8, so as to extinguish all potential contribution claims by joint tortfeasors.

The Polyurethane Foam Defendants further request that the order approving the gross settlement be without prejudice to their ability to address the Court's review of the individual settlements allotted to the minor plaintiffs under Special Master McGovern's Plan of Distribution and/or appointments of guardians ad litem and/or a special master in connection therewith.

In support of their Motion, the Polyurethane Foam Defendants submit the accompanying memorandum of law and affidavit of George E. Wolf.

¹ For purposes of this Motion and accompanying Memorandum of Law, the phrase "Polyurethane Foam Defendants" refers to Leggett & Platt, Incorporated; L&P Financial Services Co.; General Foam Corporation; GFC Foam, LLC; Foamex LP; Foamex International Inc.; FMXI, Inc.; PMC, Inc.; PMC Global, Inc.; Wm. T. Burnett & Co., Incorporated; Wm. T. Burnett Management Inc.; Wm. T. Burnett & Co.; Wm. T. Burnett Operating, LLP; FFNC, Inc.; and their respective insurers, collectively.

DEFENDANTS
LEGGETT & PLATT, INCORPORATED
And L&P FINANCIAL SERVICES CO.
By their attorneys,

/s/ Thomas W. Lyons
Thomas W. Lyons, Esquire #2946
STRAUSS, FACTOR, LAING & LYONS
222 Richmond Street, Suite 208
Providence, RI 02903-2914
401-456-0700
tlyons@straussfactor.com

/s/ George E. Wolf, III
George E. Wolf, III, Esq.
Shook, Hardy & Bacon, LLP
2555 Grand Boulevard
Kansas City, MO 64108
Tel.: 816-474-6550

DEFENDANTS
GENERAL FOAM CORPORATION, GFC
FOAM, LLC, PMC, INC., PMC GLOBAL, INC.,
FOAMEX, L.P., FOAMEX INTERNATIONAL,
INC., AND FMXI, INC.
By their attorneys,

/s/ James A. Ruggieri
Gerald C. DeMaria (#0637)
James A. Ruggieri (#2828)
Higgins, Cavanagh & Cooney, LLP
The Hay Building, 4th Floor
123 Dyer Street
Providence, RI 02903-3987
Tel.: 401-272-3500

Of Counsel:

Carl A. Henlein, Esq.
John R. Crockett, III, Esq.
Susan S. Wettle, Esq.
Frost Brown Todd
400 West Market Street, 32nd Floor
Louisville, KY 40202-3363
Tel.: 816-474-6550

DEFENDANTS

WM. T. BURNETT & CO., INCORPORATED,
WM. T. BURNETT MANAGEMENT INC.,
WM. T. BURNETT & CO., WM. T. BURNETT
OPERATING, LLP

By their attorneys,

/s/ Rajaram Suryanarayan

Rajaram Suryanarayan (#4451)

Gunning & Lafazia, Inc.

56 Pine Street – 7th Floor

Providence, RI 02903

Tel.: 401-521-6900

Of Counsel:

John Doody, Esq.

Lewis, Brisbois, Bisgaard & Smith

199 Water Street

New York, NY 10038

DEFENDANT FFNC, INC.

By its attorneys,

/s/ Michael R. De Luca

Michael R. De Luca (#3663)

Gidley, Sarli & Marusak, LLP

One Turks Head Place, Suite 900

Providence, RI 02903

Tel.: 401-274-6644

Of Counsel:

Frederick Tedford, Esq.

Tedford & Henry, LLP

750 Main Street, Suite 1600

Hartford, CT 06103

CERTIFICATION

I certify that on the 30th day of March, 2009, I caused a copy of the foregoing pleading to be served on counsel of record as follows:

Via Electronic Mail through Electronic Case Filing to the following:

1. Allen J McCarthy, Esq.	stationlitigation@melicklaw.com
2. Amy Minchillo, Esq.	aminchillo@itwlaw.com
3. Andrew J. Trevelise, Esq.	atrevelise@reedsmith.com
4. Ann Songer, Esq.	stationfire@shb.com
5. Anthony F. DeMarco, Esq.	tdemarco@conversent.net
6. Anthony R. Leone, Esq.	leonelaw@cox.net
7. B. Jon Enciso	jenciso@legalmgt.com
8. Bennett R. Gallo, Esq.	brg@ndgrb.com
9. Benjamin V. White III, Esq.	bwhite@vetterandwhite.com
10. Brian Cunha, Esq.	brian@Briancunha.com
11. Bruce P. Keller, Esq.	bkeller@debevoise.com
12. Bruce G. Tucker, Esq.	btucker@legalmgt.com
13. C. Russell Bengtson, Esq.	rbengtson@ckmlaw.com
14. Carl A Henlein, Esq.	chenlein@fbtlaw.com
15. Charles Babcock, Esq.	cbabcock@jw.com
16. Charles N. Redihan, Jr., Esq.	credihan@kprlaw.com
17. Christopher C. Fallon, Jr., Esq.	cfallon@cozen.com
18. Christopher AD. Hunt, Esq.	chunt@cetcap.com
19. Craig A. Johns, Esq.	johnsc@nationwide.com
20. Curtis R. Diedrich, Esq.	cdiedrich@sloanewalsh.com
21. Daniel Horgan, Esq.	horganlaw@snet.net
22. Daniel P. McKiernan, Esq.	danielpmckiernan@yahoo.com
23. David E. Maglio, Esq.	dmaglio@magliolaw.com
24. David T. Mitrou, Esq.	dmitrou@mccormackfirm.com
25. David A. Wollin, Esq.	dwollin@apslaw.com
26. Deborah Solmor, Esq.	dsolmor@skadden.com
27. Dennis J. Roberts, II, Esq.	droberts@djrlaw.com
28. Donald J. Maroney, Esq.	dmaroney@kkrs.com
29. Earl H. Walker, Esq.	ewalker@jw.com
30. Edward M. Crane, Esq.	ecrane@skadden.com
31. Edward T. Hinchey, Esq.	ehinchey@sloanewalsh.com
32. Edwin F. McPherson, Esq.	emcpherson@m-klaw.com
33. Eric Bradford Hermanson, Esq.	ehermanson@choate.com
34. Eva Marie Mancuso, Esq.	emancuso@hwac.com
35. Fred A. Kelly, Jr., Esq.	stationfirelitigation@nixonpeabody.com
36. George Sullivan	georgia.sullivan@thehartford.com
37. Henry M. Swan, Esq.	hms@dksblaw.com
38. Howard A. Merten, Esq.	hmerten.station@psh.com
39. Howard Julian	sohohomes@yahoo.com

40. Ian Ridlon, Esq.	Stationfire;litigation@nixonpeabody.com
41. J. Renn Olefin, Esq. (Kate Harden)	kbh@olenn-penza.com
42. James A. Bigos, Esq.	jim@b-plaw.com
43. James A. Ruggieri, Esq.	jruggieri@hcc-law.com
44. James H. Reilly, III, Esq.	jreilly@kkrs.com
45. James J. Restivo, Jr., Esq.	jrestivo@reedsmith.com
46. James R. Lee, Esq.	jlee@riag.ri.gov
47. James T. Murphy, Esq.	stationfire@hansoncurran.com
48. Jessica Deanseris, Esq.	jad@wistbar.com
49. Jessica Deanseris, Esq.	Jdean@wistbar.com
50. John H. Brooke, Esq.	jbrooke@brookemawhorr.com
51. John J. Cloherty III, Esq.	jcloherty@piercedavis.com
52. John J. Flanagan, Esq.	jflanagan@torti.com
53. John J. Nazzaro, Esq.	attynazzaro@aol.com
54. John P. Barylick, Esq.	jpb@wistbar.com
55. John R. Crockett, III, Esq.	jcrockett@fbtlaw.com
56. John R. Mahoney, Esq.	johnmahoney@amlawllp.com
57. Joseph B. Burns, Esq.	jburns@rms-law.com
58. Joseph H. Aronson, Esq.	jaronson@mccormackfirm.com
59. Joseph J. Bellew, Esq.	jbellew@cozen.com
60. Joseph Krowski, Esq.	josephkrowski.law@verizon.net
61. Joseph V. Cavanagh, Jr., Esq.	stationfire@blishcavlaw.com
62. Karen A. Alegria, Esq.	Karen@Briancunha.com
63. Kate Harden, Esq. for Renn Olenn	khh@olenn-penza.com
64. Kathleen C. Henry, Esq.	khenry@choate.com
65. Kelly N. Michels, Esq.	stationfire@hansoncurren.com
66. Kevin F. Bowen, Esq.	kbowen@bbglaw.us
67. Kim M. Clarke, Esq.	kclarke@nixonpeabody.com
68. Kristin E. Rodgers, Esq.	stationfire@blishcavlaw.com
69. Lauren D. Wilkins, Esq.	lwilkins@smithbrink.com
70. Lawrence J. Cappuccio, Esq.	L.cappuccio@worldnet.att.net
71. Lawrence G. Cetrulo, Esq.	lcetrulo@cetcap.com
72. Linda Magro, Esq.	jruggieri@hcc-law.com
73. Marc DeSisto, Esq.	stationfire@desistolaw.com
74. Mark D. Cahill, Esq.	mcahill@choate.com
75. Mark D. Tourgee, Esq.	aminchillo@itwlaw.com
76. Mark Hadden, Esq.	mhadden@mhaddenlaw.com
77. Mark P. Dolan, Esq.	ricedolank@aol.com
78. Mark S. Mandell, Esq.	msb@msb-atty.com
79. Mark Parsky, Esq.	mep@mcveyparsky-law.com
80. Mark T. Nugent, Esq.	mnugent@morrisonmahoney.com
81. Mark T. Reynolds, Esq.	mtreynolds@conversent.net
82. Mark Ter Molen, Esq.	khenry@choate.com
83. Matthew F. Medeiros, Esq.	mfm@lmkbw.com
84. Meghan Sullivan, Esq.	meghan.sullivan@lw.com
85. Max Wistow, Esq.	mw@wistbar.com

86. Michael A. St Pierre, Esq.	mikesp@rrsplaw.com
87. Michael G. Sarli, Esq.	mgs@gsm-law.com
88. Michael J. Mazurczak, Esq.	stationlitigation@melicklaw.com
89. Michael J. McCormack, Esq.	mmccormack@mccormackfirm.com
90. Michael Potenza, Esq.	mpotenza@debevoise.com
91. Michael R. DeLuca, Esq.	mrd@gsm-law.com
92. Nancy W. Hamilton, Esq.	nhamilton@jw.com
93. Patrick T. Jones, Esq.	pjones@cmjlaw.com
94. Peter L. Resnik, Esq.	presnick@mwe.com
95. Paul Sullivan, Esq.	pvsullivan@morrisonmahoney.com
96. Peter Schneider, Esq.	pschneider@cmjlaw.com
97. Ralph J. Monaco, Esq.	rmonaco.c-l@snet.net
98. Randall L. Souza, Esq.	rsouza@shslawfirm.com
99. Richard W. MacAdams, Esq.	rmacadams@mandwlaw.com
100. Robert I. Reardon, Esq.	reardonlaw@aol.com
101. Robert T. Norton, Esq.	rnorton@sloanewalsh.com
102. Ronald J. Creamer, Esq.	resminilaw@yahoo.com
103. Ronald J. Resmini, Esq.	resminilaw@yahoo.com
104. Ronald Langlois, Esq.	rlanglois@smithbrink.com
105. Russell Bramley, Esq.	bramley@hbhlaw.net
106. Scott J. Tucker, Esq.	stucker@ths-law.com
107. Stefanie DiMaio-Larivee, Esq.	fonia@msn.com
108. Stephan E. Breggia, Esq.	sbreggia@bbglaw.us
109. Stephen Izzi, Esq.	sizzi@mosesafonso.com
110. Stephen J. MacGillivray, Esq.	smacgillivray@edwardsangell.com
111. Stephen M. Prignano, Esq.	sprignano@edwardsangell.com
112. Stephen P. Fogerty, Esq.	fogarty@halloran-sage.com
113. Stephen T. Armato, Esq.	sarmato@cetcap.com
114. Steven A. Minicucci, Esq.	sminicucci@calvinolaw.com
115. Steven M. Richard, Esq.	stationfirelitigation@nixonpeabody.com
116. Steven W. Kasten, Esq.	skasten@mwe.com
117. Stewart F. Grossman, Esq.	sgrossman@lgllp.com
118. Susan S. Wettle, Esq.	swettle@fbtlaw.com
119. Suzanne O'Donoghue, Esq.	sodonoghue@hcc-law.com
120. T. Dos Urbanski, Esq.	stationlitigation@melicklaw.com
121. Thomas C. Angelone, Esq.	angelonelaw@aol.com
122. Thomas R. Bender, Esq.	stationfire@hansoncurran.com
123. Timothy A. Williamson, Esq.	aminchillo@itwlaw.com
124. Timothy Hardwicke	Timothy.Hardwicke@lw.com
125. Tracy L. Poppe, Esq.	reardonlaw@aol.com
126. W. Thomas McGough, Jr., Esq.	tmcgough@reedsmith.com
127. William A. Filippo, Esq.	wfilippo@calvinolaw.com
128. William E. O'Gara, Esq.	wogara@pld-law.com
129. William F. Burke, Esq.	wburke@apslaw.com
130. George Wolf, Esq.	stationfire@shb.com
131. Rajaram Suryanarayan, Esq.	rsury@gunninglafazia.com

132. William M. Heffernan, Esq.
133. John J. Flanagan, Esq.
134. Ted Tedford, Esq.

heffernanlaw@aol.com
jflanagan@torti.com
ftedford@tedfordhenry.com

/s/ George E. Wolf _____